

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LIBERTY MUTUAL GROUP a/s/o
LAUREN WALLACE

Plaintiff

v.

JOSEPH A. WASHINGTON, et al

Defendants.

Civil Action No. 07-755-SLR

**SUBSTITUTION OF THE UNITED STATES
FOR DEFENDANT JOSEPH A. WASHINGTON
AND DEPARTMENT OF THE UNITED STATES ARMY**

COMES NOW, the named Defendant, Joseph A. Washington, Sergeant, and Defendant, Department of the United States Army, by and through Colm F. Connolly, United States Attorney for the District of Delaware, and Patricia C. Hannigan, Assistant United States Attorney, and request that this Court substitute the United States of America as the only Defendant in the above action, pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2611 *et seq.*

1. At the time of the incidents alleged in the Complaint, Defendant Joseph A. Washington was acting within the course and scope of his duties as an employee of the United States. *See* Certification attached as Exhibit A.

2. This action is thus subject to the Federal Tort Claims Act, 28 U.S.C. § 2671, *et seq.* Accordingly, the United States is the proper party Defendant.

3. Pursuant to 28 U.S.C. § 2679(d)(1) , and based upon the Certification attached as Exhibit A, “the United States shall be substituted as the party defendant.”

4. Counsel for Plaintiff has no objection to this request.

WHEREFORE, Defendants pray that the United States be substituted for Defendant, Joseph A. Washington, Sergeant, and Defendant, Department of the United States Army.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

BY: /s/ Patricia C. Hannigan
Patricia C. Hannigan
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Dated: March 4, 2008

IT IS SO ORDERED this _____ day of _____, 2008.

J.

HONORABLE SUE L. ROBINSON
United States District Judge

EXHIBIT A

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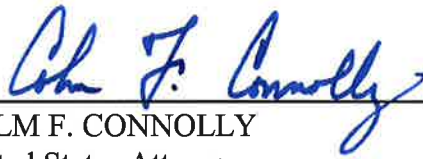
JOSEPH A. WASHINGTON, et al

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CERTIFICATION

I, Colm F. Connolly, United States Attorney for the District of Delaware, hereby certify, pursuant to 28 U.S.C. § 2679(d)(1), that I have read the Complaint in this action and, on the basis of information now available with respect to the allegations therein, I find that the individually named Defendant, Joseph A. Washington, was acting within the scope of his employment as an employee of the United States at the time of the incidents alleged in the Complaint.



COLM F. CONNOLLY
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Dated: March 3, 2008